

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 16-10094-LTS
)	
ROSS MCLELLAN,)	
)	
Defendant.)	

GOVERNMENT’S OBJECTIONS TO DEFENSE EXHIBITS

The government respectfully submits this brief synopsis of its objections to defense exhibits proposed to be introduced tomorrow. The exhibits were identified to the government for the first time this afternoon at 3:38 pm, with an additional exhibit identified at 7:31 pm. One of the exhibits—a purported cell phone screen shot of text messages—has never before been produced in discovery. The government is prepared to more fully explain its objections orally tomorrow morning, and will separately email the objected-to exhibits to the deputy clerk.

Exhibit 530 – Relevance and hearsay.

Exhibit 532 – Relevance and hearsay

Exhibit 533 – Relevance and hearsay

Exhibit 534 – Hearsay

Exhibit 535 – Relevance and hearsay

Exhibit 537 – Relevance and hearsay

Exhibit 538 – Relevance and hearsay

Exhibit 540 – Relevance and hearsay

Exhibit 541 – Relevance and hearsay

Exhibit 542 – Hearsay. The government notes that the defendant had an opportunity to inquire of either the sender or the recipient of this email chain, both of whom testified, about its contents, but chose not to do so.

Exhibit 544 – Hearsay

Exhibit 548 – Hearsay. The government notes that the defendant had an opportunity to inquire of the author of this email during his testimony, but chose not to do so.

Exhibit 549 – Relevance and hearsay.

Exhibit 550 –Hearsay

Exhibit 553 – This is the defendant’s proposed Rule 1006 summary exhibit. Two government paralegals have devoted several hours this evening attempting to verify the accuracy of this document and have noted multiple errors, but have not had an opportunity to review all of the hundreds of entries.

Exhibit 556 – This document, which counsel represents to be a printout of text messages from a phone formerly used by the defendant, was disclosed to the government for the first time this afternoon. The government objects on the basis of late disclosure in violation of Rule 16, as well as authenticity and hearsay.

Exhibit 708 – Authenticity.

Exhibit 1063 – Hearsay. The government notes that the defendant had an opportunity to inquire of the recipient of this email during his testimony, but chose not to do so.

Exhibit 1129 – Relevance.

Respectfully submitted,

SANDRA MOSER
Acting Chief, Fraud Section
Criminal Division

ANDREW E. LELLING
United States Attorney

By: /s/ William E. Johnston
WILLIAM E. JOHNSTON
Trial Attorney

By: /s/ Stephen E. Frank
STEPHEN E. FRANK
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I certify that on June 19, 2018, this document was filed through the ECF system, which will provide electronic notice to counsel as identified on the Notice of Electronic Filing.

/s/ Stephen E. Frank
STEPHEN E. FRANK